IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.952 OF 2001

Laxman Parvatrao Paigude ...Appellant

Vs.

Eknath Tukaram Paigude & Ors. ...Respondents

Mr.J.D.Deshmukh i/b Mr.A.A.Kumbhakoni for the Appellant
Mr.S.B.Deshmukh i/b Mr.A.V.Anturkar for Respondent Nos.1 & 2.

CORAM: A.S.OKA, J.
DATED: APRIL 19,2005.

P.C.:

1. On 29th October 2001 this court issued notice for final disposal. This Court directed the parties to maintain status quo till further orders. Office noting shows that the Respondent Nos.1 and 2 are duly served with the notice and are represented by Shri Anturkar. Office noting shows that the Respondent No.3 is duly served. The Appeal from Order stands dismissed as against Respondent No.4.

2. The Appeal is preferred by the original Plaintiff for challenging the Judgment and Order dated 24th August 2001 passed below Application at Exh.5. The prayer made by the Appellant-Plaintiff in his application at Exh.5 is for temporary injunction restraining the Respondent Nos.1 to 3 from interfering with his alleged possession over the suit property. The learned Trial Judge while rejecting the application for temporary injunction held that the Defendant Nos.1 and 2-Respondent Nos.1 and 2 are in joint possession of the suit land by virtue of Gift Deed dated 3rd June 1998

executed by the Defendant No.4-Respondent No.4.

3. I have heard the learned Counsel for the parties. This Court passed ad-interim order directing both the parties to maintain status quo on 29th October 2001. The said ad-interim order is in force almost for three and half years. Considering the findings recorded by the Trial Court and considering the fact that the suit is still pending, ad-interim order dated 29th October 2001 deserves to be continued as interim order till the final disposal of the suit. It will not be proper to disturb the arrangement which is operating between the parties from 29th October 2001 on the basis of ad-interim order passed by this Court.

4. Hence, Appeal from Order is disposed of by directing that till the final disposal of the Special Civil Suit No.547 of 2001, parties will maintain status quo as directed by this Court on 29th October 2001.

5. All contentions of the parties in the pending suit on merits are expressly kept open.

6. The concerned Court and the parties to act upon an authenticated copy of this order.

Judge.